

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS REMICK, et al., on behalf of :
themselves and all others similarly situated, : **No. 2:20-cv-01959-BMS**
:
Plaintiffs-Petitioners, :
:
v. :
CITY OF PHILADELPHIA; and BLANCHE :
CARNEY, in her official capacity as :
Commissioner of Prisons, :
:
Defendants-Respondents. :

INTERIM ORDER

And now, this **13th** day of **January, 2021**, following a telephone status conference on January 12, 2021, in which the parties addressed the Defendants’ shelter-in-place policy and the provision of out-of-cell time, the Court finds the following:

- Under the Philadelphia Department of Prisons' (PDP) current shelter-in-place policy, incarcerated individuals receive 15 minutes of out-of-cell time per day, and incarcerated individuals are out of their cells one cell at a time in each housing unit, less than the total time of 45 minutes for showering, cleaning, recreation and phone calls that was required in the Consent Order on Partial Settlement Agreement of June 3, 2020 (Docket No. 35);
- Given the size and physical layout of the housing areas, it is feasible to permit persons from at least three cells out at a time, in 45-minute time frames, to separately shower, use phones, and engage in limited exercise, while still maintaining social distancing; and
- The current shelter-in-place policy, implemented by PDP to control the transmission of COVID-19, keeps incarcerated people in their cells for nearly 24 hours a day, and such prolonged confinement is harmful to the mental and physical health of incarcerated individuals.

- Medical and security professionals at PDP maintain that this course of action increases the risk of transmission before the completion of mass testing and analysis of the data generated through that process.

Accordingly, **IT IS HEREBY ORDERED:**

1. While operating under the current shelter-in-place policy, the Defendants shall increase the cohort size for out-of-cell time to a minimum of three cells at one time on each housing unit to provide all persons housed in the Philadelphia Department of Prisons (“PDP”) with at least 45 minutes of daily out-of-cell time for purposes of showering, phone calls, and exercise.
2. PDP staff shall specifically inform incarcerated persons that under this procedure they must maintain at least six feet of separation from anyone who is not their cellmate, and that the failure to abide by that policy may result in their return to their cell.
3. The provisions of this Order shall not supersede the conditions imposed by a medically necessary quarantine when a known positive has been identified.
4. Upon the receipt of the results of universal testing, the Court shall consider further orders on shelter-in-place and out-of-cell time.

By the Court:

/s/ Berle M. Schiller

BERLE M. SCHILLER, J.